

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E.DIGITAL CORPORATION,
Plaintiff,

v.

MIVATEK INTERNATIONAL, INC.,
Defendant.

Case No. 15-cv-05795-JST

SCHEDULING ORDER

The Court hereby sets the following case deadlines pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 16-10:

Event	Deadline
Deadline to Exchange of Initial Disclosures	April 27, 2016
Plaintiff's Disclosure of Asserted Claims and Infringement Contentions to include Document Production Accompanying Disclosure	May 11, 2016
Deadline to File Motion to Amend Pleadings and/or Add Parties	30 days after Markman Order
Deadline for Defendant's Preliminary Invalidity Contentions	June 24, 2016
Deadline to Exchange of Proposed Terms for Construction	July 8, 2016
Deadline to Exchange of Preliminary Claim Constructions and Identification of Extrinsic Evidence	July 29, 2016
Deadline to File Joint Claim Construction and Prehearing Statement	August 19, 2016

Event	Deadline
Claim Construction Discovery Ends	September 16, 2016
Opening Claim Construction Brief	October 7, 2016
Responsive Claim Construction Brief	October 21, 2016
Reply Claim Construction Brief	October 28, 2016
Technology Tutorial	November 14, 2016 at 1:30 p.m.
Claim Construction Hearing	November 28, 2016 at 1:30 p.m.

Counsel may not modify these dates without leave of court. The parties shall comply with the Court's standing orders, which are available at cand.uscourts.gov/jstorders.

The parties shall meet and confer regarding the format, scope, and content of both the tutorial and the claim construction hearing, including but not limited to the permissible subjects of discussion at each, whether experts will testify, and what audio-visual equipment, if any, will be needed by the parties. They also shall exchange copies of any audio-visual material at least **ten court days** before they intend to use it in court, and shall bring any disputes regarding the format, scope, or content of any tutorial or hearing to the Court's attention at least **five court days** before the tutorial or hearing. The Court will deem as waived any objection raised less than five court days before the tutorial or hearing. The parties shall lodge hard copies of their presentation materials with the Court on the day of the tutorial or claim construction hearing.

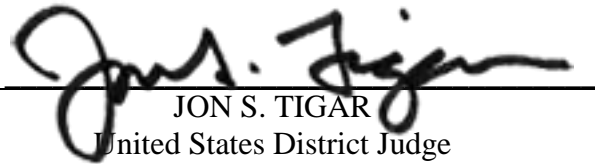
The Court will reserve no more than 2 hours on its calendar for the tutorial, including a brief recess. The tutorial will not be reported by a court reporter.

At claim construction, the Court will construe only the terms the parties identify in their Joint Claim Construction and Prehearing Statement as "most significant to the resolution of the case up to a maximum of 10." Patent Local Rule 4-3(c). The Court will reserve no more than 2.5 hours on its calendar for the claim construction hearing, including a brief recess. The Court prefers that the parties proceed term-by-term, with each party providing its views on each term before moving on to the next. The Court's use of time limits means that the parties may not have

1 the opportunity to present oral argument on every term they have submitted for construction, and
2 the parties should prioritize their presentations accordingly.

3 The parties must take all necessary steps to conduct discovery, compel discovery, hire
4 counsel, retain experts, and manage their calendars so that they can complete discovery in a timely
5 manner and appear on the noticed and scheduled dates. All counsel must arrange their calendars
6 to accommodate these dates, or arrange to substitute or associate in counsel who can.

7 Dated: April 27, 2016

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9 JON S. TIGAR
United States District Judge

United States District Court
Northern District of California